

Our Ref. No.: 015675.P291

B/JFW
1771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jean-Francois Penneau et al.,

Application No.: 09/367,081

Filed: January 24, 2000

For: **POROUS COMPOSITE PRODUCT IN
PARTICULAR WITH A HIGH SPECIFIC SURFACE,
PREPARATION PROCESS AND ELECTRODE
FORMED OF A POROUS COMPOSITE FILM FOR
AN ELECTRO-CHEMICAL ASSEMBLY**

Examiner: VO, Hai

Art Unit: 1771

Mail Stop - AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL TERMINAL DISCLAIMER TO CORRECT TYPOGRAPHICAL ERROR


Dear Commissioner:

In connection with the Office Action mailed December 20, 2004 regarding the above-referenced application, the Examiner requested that Applicant file a terminal disclaimer to overcome the provisional obviousness-type double patenting rejection. In response, Applicant submitted a Terminal Disclaimer in compliance 37 CFR 1.321(c) responsive to the provisional rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 24 of co-pending Application No. 10/390,422 (US 2003/0175494). However, Applicant notes a typographical error in the Terminal Disclaimer in which “Martin Schrimpf Warcoin Aher” was inadvertently listed as the “owner” of Application No. 09/367,081 and the pending second application Number 10/390,422. Accordingly, Applicant respectfully requests entry of the supplemental Terminal Disclaimer, which correctly lists BOLLORE as the “owner” of Application No. 09/367,081 and the pending second application Number 10/390,422.

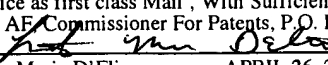
Respectfully submitted,

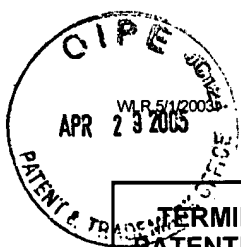
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: April 26, 2005

By: 
Eric S. Hyman, Reg. No. 30,139

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CERTIFICATE OF MAILING:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop AF, Commissioner For Patents, P.O. Box 1340, Alexandria, VA 22313-1450

Linda Marie D'Elia
APRIL 26, 2005



**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

15675P291

In re the Application of: Jean-Francois PENNEAU, et al.

Application No.: 09/367,081

Filed: January 24, 2000

For: **POROUS COMPOSITE PRODUCT, IN PARTICULAR WITH A HIGH SPECIFIC SURFACE,
PREPARATION PROCESS AND ELECTRODE FORMED OF A POROUS COMPOSITE FILM FOR AN
ELECTROCHEMICAL ASSEMBLY**

The owner*, Bollore of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/390,422, filed on March 17, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The undersigned is an attorney of record.

Signature

Date

Eric S. Hyman, Reg. No. 30,139

Typed or printed name

(310) 207-3800

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.